

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSHUA A. PETERSON,)
)
Plaintiff,)
)
v.)
)
MAGEN DAVIS, Unit Administrator)
Lincoln Correctional Center,)
Individually and in their Official)
Capacities, CAPTION FULLERTON,)
Nebraska State Prison, Individually)
and in their Official Capacities,)
MICHELLE CAPPS, Deputy Warden)
Nebraska State Prison, Individually)
and in their Official Capacities,)
ROBERT MADSEN, Warden)
Nebraska State Prison, Individually)
and in their Official Capacities, UNIT)
ADMINISTRATOR JOHNSTON,)
Nebraska State Prison, Individually)
and in their Official Capacities,)
SALVADOR CRUZ, Unit Manager)
Lincoln Correctional Center,)
Individually and in their Official)
Capacities, and ROWAN TAYLOR,)
Case Manager Lincoln Correctional)
Center, Individually and in their)
Official Capacities,)
)
Defendants.)
)

4:17CV3137

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion for Appointment of Counsel. (Filing No. [4](#).) The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed

counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” [*Id.*](#) (quotation and citation omitted). No such benefit is apparent at this time. Thus, the request for the appointment of counsel is denied without prejudice to reassertion.

IT IS ORDERED that Plaintiff’s Motion for Appointment of Counsel (Filing No. [4](#)) is denied without prejudice.

DATED this 1st day of November, 2017.

BY THE COURT:
s/ Richard G. Kopf
Senior United States District Judge